

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

Meeting of the Commission
July 28, 2010
10:00 a.m.

James R. Thompson Center
Murdock Room - IDHS
Suite 5-300
100 West Randolph Street
Chicago, Illinois

and

Illinois Department of Transportation
1100 E. Port Plaza
Room 101
Collinsville, IL 62234

MINUTES

PRESENT:

Commissioners

In Chicago

Chairman Martin R. Castro

Sakhawat Hussain, M.D.

David Chang

Charles E. Box

Nabi Fakroddin, P.E., S.E.

Marylee Freeman

Spencer Leak, Sr.

Rozanne Ronen

Diane M. Viverito

In Collinsville

Marti Baricevic

Via the Telephone

Robert S. Enriquez

Munir Muhammad

Absent

Gregory Simoncini

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Staff	N. Keith Chambers Reva Bauch Dr. Ewa I. Ewa Michael J. Evans Harriet Parker Donyelle L. Gray Evelio Mora Christine M. Welninski Sun Hee Choi (Coles Fellow) Casey E. Fundarek (Coles Fellow) Edward C. Young (Coles Fellow) Rashidat Ogbara (Coles Fellow) Victoria Morales (Student Intern) William Borah Lester Bovia David Brent Marianne Lindt Gertrude McCarthy Sabrina Patch
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Members of Public: None

NOTICE:

Public meetings and closed meetings of the Illinois Human Rights Commission are audio recorded.

I. Call to Order

On July 28, 2010, at 10:04 a.m., Chairman Martin R. Castro called to order a meeting of the Illinois Human Rights Commission.

Pursuant to the Illinois Open Meetings Act, 5 ILCS 120/1 et seq., it was determined that:

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- 1) A quorum of the public body was present at the meeting without the physical presence of Commissioners Enriquez, Muhammad and Simoncini. Prior to the meeting, Commissioners Enriquez and Muhammad gave notice (and good cause as defined by the Illinois Open Meetings Act) to the General Counsel and Secretary of the Public Body, Harriet Parker, that they wished to participate via the telephone as they would be unable to be physically present for the July 28, 2010, meeting.
- 2) Prior to the meeting, Commissioner Simoncini gave notice (and good cause as defined by the Illinois Open Meetings Act) to the General Counsel and Secretary of the Public Body, Harriet Parker, that he would be unable to attend the July 28, 2010, meeting.
- 3) The Commission voted to allow Commissioners Enriquez and Muhammad to participate via the telephone. Motion made by Commissioner Freeman, seconded by Commissioner Enriquez. Motion carried 10-0.

II. Consideration of Minutes

June 23, 2010

The minutes of the meeting of June 23, 2010, were approved as submitted by staff. Motion made by Commissioner Freeman seconded by Commissioner Nabi. Motion carried 12-0.

III. Staff Reports

A. N. Keith Chambers, Executive Director

Executive Director Chambers reported that the Human Rights Commission brochure had been translated into Spanish and Polish. The cost of translating the brochure was under \$350.00. Copies of the translated brochure were distributed to the Commissioners. Mr. Chambers also distributed copies of the final draft of the Annual Report to the Commissioners.

Mr. Chambers and Chairman Castro reported on the Illinois Torture Inquiry and Relief Commission. Governor Quinn is expected to make appointments to the Torture Commission within the next thirty days. The Human Rights Commission is mandated to provide administrative support and office space to the Torture Commission. During a meeting with Jay Stewart, of the Governor's Office of General Counsel, Chairman Castro raised the issue of appropriations for the Torture Commission. The Governor's office is aware of the Human Rights Commission's concerns

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regarding the lack of identified resources to fund the Torture Commission, and has promised to work with our office to ensure minimum impact on the HRC.

Mr. Chambers reported that he had attended two conferences, the Illinois Municipal Human Relations Association Conference, which was also attended by General Counsel Harriet Parker, and the National Fair Housing Conference. Materials from the National Fair Housing Conference were distributed to the Commissioners.

Mr. Chambers reported on Senate Resolution Number 682 which requires the Office of the Auditor General to conduct management audits of the State's Boards and Commissions. Therefore, an audit of our Commission is forthcoming during this fiscal year.

Mr. Chambers announced that the Illinois Department of Human Rights will conduct two workshops on Conflict Resolution, on August 17, 2010, and August 18, 2010. Fees for the workshops will be waived for HRC staff.

B. Dr. Ewa I. Ewa, Chief Fiscal Officer

Chief Fiscal Officer Dr. Ewa reported that there are no changes with respect to the FY2011 budget.

Dr. Ewa discussed Governor Quinn's Administrative Order #1 which requires that all non-bargaining unit state employees take 24 furlough days in FY 2011, twelve of which must be taken by December 31, 2010. Dr. Ewa passed out copies of Administrative Order #1.

Dr. Ewa reported that if the Commission's ALJs are elevated from ALJ IIs to ALJ IIIs with a corresponding step up from 24 to 25, the impact on the Commission's budget will be between \$25,000.00 and \$30,000.00 for FY 2011. Dr. Ewa noted that Administrative Order #1 requires an approved EPAR for all personnel changes.

Dr. Hussain noted that since the Memorandum of Understanding supersedes the Act, the Commission will most likely be required to complete an EPAR in any action to move the ALJs to a higher step and pay grade. Executive Director Chambers noted that all state agencies may be in for another round of FY 2011 budget reductions in the form of additional mandated reserve set-asides.

C. Michael J. Evans, Chief Administrative Law Judge

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Chief Administrative Law Judge Evans introduced the Administrative Law Judges to the Commissioners. All Chicago based ALJs were present at the meeting.

Chief ALJ Evans reviewed the Administrative Law Section statistics for June 2010. Twenty-seven cases were filed and twenty-seven cases were disposed. Chief ALJ Evans stated these numbers were indicative of summer season caseload filings and resolutions.

Chief ALJ Evans reported on the latest developments between the Union and CMS. The ALJs won their appeal, however CMS has filed a Petition for re-hearing before the Illinois Appellate Court.

D. Harriet J. Parker, General Counsel

General Counsel Parker reported that the Illinois Appellate Court had affirmed the Illinois Labor Relations Board's determination to permit the Commission's ALJs to join AFSCME.

Ms. Parker reported that she had attended the Illinois Municipal Human Relations Association Annual Conference along with Executive Director Chambers in Peoria, Illinois. Ms. Parker discussed workshops presented at the conference including a presentation on new amendments to the Illinois Human Rights Act and a review of the Lilly Ledbetter Pay Act of 2009.

Ms. Parker requested the Commissioners advise if the previously submitted FY 2011 calendar and dates for Panel and En banc Meetings was approved. As some Commissioners have approached Ms. Parker regarding the issue of Panel rotation, Ms. Parker once again suggested the issue of Panel rotation be decided by the Commissioners. The Commissioners discussed possible Panel rotation configurations including the possibility of holding three Panel meetings on the day of the Commission's En Banc meeting. The possibility of individuals wishing to change Panels switch with an individual Commissioner from a different Panel was also discussed. It was agreed a decision on the Calendar and on Panel rotation would be decided at the August En banc Meeting.

Commissioner Muhammad requested to be excused from the rest of the En banc Meeting at 11:10 a.m.

Ms. Parker introduced High School Senior Student Intern Victoria Morales to the Commissioners. Ms. Morales also introduced herself to the Commissioners.

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IV. Old Business

A. FY 2011 Calendar: Panel Rotation

The FY 2011 calendar and Panel Rotation were discussed during Ms. Parker's staff report.

B. Impact of Memorandum of Understanding on Commission's statutory authority to select and fix the compensation of the Administrative Law Judges

General Counsel Parker reported that she had received a written Opinion, which she distributed to the Commissioners, from Deputy General Counsel Shallenberger of CMS Labor regarding the impact of the Memorandum of Understanding on the Illinois Human Rights Act. Ms. Shallenberger confirmed that the Memorandum of Understanding supersedes the Illinois Human Rights Act.

Deputy Chief Administrative Law Judge Reva Bauch gave an overview of her research regarding the fiscal impact on the Commission of promoting the Administrative Law Judges to the position of ALJ III. Deputy Chief ALJ Bauch explained that the promotion of the ALJs from ALJ IIs to ALJ IIIs would allow the Union and CMS to move the ALJs to the higher salary grid line of 25. The move to grid line 25 would allow more step (salary) increases before the cap, and would afford the ALJs an opportunity to increase pension contributions. Deputy Chief ALJ Bauch explained and Chief ALJ Evans confirmed that there have been Commission ALJ IIIs in the recent past, although no current ALJs are classified as ALJ IIIs. Deputy Chief ALJ Bauch stated that the financial impact of promoting the ALJs from ALJ IIs to ALJ IIIs is approximately \$24,000 for FY 2011 and she theorizes this sum will remain constant in future years.

Chairman Castro suggested the issue of ALJ promotions be tabled until after the Personnel Committee had met to discuss and make recommendations regarding this issue. A Motion was made to have the Personnel Committee meet, discuss the issue of moving the ALJ IIs to the higher ALJ III step and to advance the ALJs from salary grade 24 to 25, and to make their recommendations to the Commission. Motion made by Commissioner Hussain, seconded by Commissioner Nabi. Motion carried 11-0.

Chairman Castro stated that a Special En Banc meeting would be held for the purpose of considering and taking final action, if any, on the Personnel Committee's recommendations regarding promoting the ALJs to ALJ IIIs with a corresponding salary grid move from 24 to 25.

C. ALJ Outside Employment

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With respect to the issue of ALJs being allowed to perform outside legal work for pay, Ms. Parker stated that Deputy Chief Judge Bauch had conducted a small canvas of state agencies regarding this issue which revealed that at least six state agencies allow their ALJs to perform outside legal work for a fee, as long as such work is not performed during state work hours or on state property. Ms. Parker stated that the HRC's Personnel Policies prohibit Commission Lawyers including ALJs from performing outside legal work for a private client for a fee. Ms. Parker distributed the Personnel Policy Handbook and highlighted the pertinent section. ALJs are permitted to perform Pro Bono legal work and may also work in a non-attorney capacity for pay, such as teaching.

D. Torture Commission

The Torture Commission was discussed during Executive Director Chambers' staff report.

E. Community Outreach

Plans for the next Community Outreach Meeting were discussed. The Chairman recommended that the next Community Meeting take place outside of Chicago, possibly in the Cicero, Illinois area.

General Counsel Parker announced that she had appeared as a guest of the Cook County Bar Association in a live broadcast of its show on CAN TV, a cable access network. Topics included a discussion of the Illinois Human Rights Act and the work of the Department and the Commission.

F. Updated Commissioner Bios and Photographs for the website and for the FY 2010 Annual Report

The Commissioners were reminded to submit their updated bios and photographs for the website and for the Annual Report.

V. New Business

A. August 2010 Meeting Schedule

Ms. Parker stated that although the Commission has not held Commission Meetings In August during the past few years- in an effort to catch up on the work- there will be Panel A and C meetings as well as an

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En Banc meeting on August 25, 2010. The August Panel B and D meetings have been cancelled.

B. August 4, 2010, Pizza Party for HRC Coles Fellows and Student Intern

Ms. Parker announced that a Pizza Party Luncheon was being planned for August 4, 2010, in honor of our Coles Fellows and Student Intern. All Commissioners and Staff were invited to attend. In response to an inquiry from one of the Commissioners, Commissioners were invited to individually donate \$5.00 towards the Pizza Party.

VI. Executive Session

Pursuant to the Open Meetings Act (5 ILCS 120/2(c)(1)), the Commissioners voted to close a portion of the public meeting at 12:00 p.m. in order to discuss executive session minutes. Motion made by Commissioner Hussain, seconded by Commissioner Freeman. Motion carried 11-0. At 12:05 p.m., the open meeting resumed.

VII. Adjournment

The meeting was adjourned at 12:06 p.m. Motion made by Commissioner Leak, with a second by Commissioner Freeman. Motion carried 11-0.

Respectfully submitted,

Harriet Parker
General Counsel